

### **23-13-19 Administering substances to protected wildlife prohibited -- Exceptions.**

(1) For purposes of this section:

(a) "Administer" means the application of a substance by any method, including:

- (i) injection;
- (ii) inhalation;
- (iii) ingestion; or
- (iv) absorption.

(b) "Agricultural producer" means a person who produces an agricultural product.

(c) "Agricultural product" is as defined in Section 4-1-8.

(d) "Substance" means a chemical or organic substance that:

- (i) pacifies;
- (ii) sedates;
- (iii) immobilizes;
- (iv) harms;
- (v) kills;
- (vi) controls fertility; or
- (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).

(2) Except as authorized by Subsection (3) or a rule made by the Wildlife Board, a person may not administer or attempt to administer a substance to protected wildlife.

(3)

(a) A division employee or a person with written permission from the division may administer a substance to protected wildlife if that employee or person administers the substance to promote wildlife management and conservation.

(b) One or more of the following may administer a substance to protected wildlife that the person is authorized by this title, the Wildlife Board, or the division to possess:

- (i) a licensed veterinarian;
- (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
- (iii) a person who is following written instructions for veterinary care from a licensed veterinarian.

(4) A person is not liable under this section for administering a substance, notwithstanding the substance has an effect described in Subsection (1)(d) on protected wildlife, if:

(a) an agricultural producer administers the substance:

- (i) for the sole purpose of producing an agricultural product and not for the purpose of affecting protected wildlife in a manner described in Subsection (1)(d);
- (ii) consistent with generally accepted agricultural practices; and
- (iii) in compliance with applicable local, state, and federal law; or

(b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Enacted by Chapter 308, 2009 General Session